

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

MARTEZ GRIFFIN,

Petitioner,

v.

CIVIL ACTION NO. 2:21-cv-00434

SHELBY SEARLS,

Respondent.

ORDER

This action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). [ECF No. 9]. On May 2, 2022, Magistrate Judge Aboulhosn submitted his Proposed Findings & Recommendations (“PF&R”) [ECF No. 31] and recommended that the court deny Respondent’s “Motion to Dismiss and for Summary Judgment” [ECF No. 19]; deny Petitioner’s “Motion for Stay and Abeyance” [ECF No. 27]; grant Petitioner’s “Alternative Motion for Dismissal Without Prejudice of § 2254 Petition” [ECF No. 27]; and remove this matter from the docket of the court. Neither party timely filed objections to the PF&R nor sought an extension of time.

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge

as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The court **DENIES** Respondent's "Motion to Dismiss and for Summary Judgment" [ECF No. 19]; **DENIES** Petitioner's "Motion for Stay and Abeyance" [ECF No. 27]; **GRANTS** Petitioner's "Alternative Motion for Dismissal Without Prejudice of § 2254 Petition" [ECF No. 27]; and **DISMISSES without prejudice** this matter from the docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: May 23, 2022


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE